

WaterLegacy Questions for U.S. EPA re PolyMet (March 2012)

Timing & Process

- Is the Draft Alternative Summary from October 6, 2011 the most recent?
- We've been told that the SDEIS will be released to the public in fall of 2011. What is the EPA's most current information about the timeline?
- What is the EPA's sense of the reason(s) for the time delay in releasing the SDEIS?
- The U.S. Army Corps of Engineers wrote to us that they will be re-issuing the Section 404 wetlands notice when the SDEIS is released. Does EPA have any other information?
- What process will EPA use to determine whether wetlands impacted by the PolyMet project are ARNI and whether the project is inconsistent with the Clean Water Act?

Wetlands

- Is the EPA satisfied regarding the designation of wetlands?
- We don't believe it is appropriate to use the Canisteo pit as an "analogue" to estimate wetlands impacts from mine drawdown. Has the EPA taken a position on this issue?
- Has EPA requested pump tests?
- If the only information in the SDEIS record is this mistaken "analogy" how would EPA assess potential impacts on wetlands from mine drawdown?
- Is there a sense for a number of acres of lost wetlands in the Lake Superior Basin that would or would not be acceptable to EPA?

Water Resources

- Has PolyMet or the consultant for the RGUs done all of the hydrological tests recommended by the EPA?
- Many of our water resources concerns are reflected in WaterLegacy's memo on Feb. 6, 2012. We would appreciate hearing any feedback or disagreement.
- Has any testing has been done to determine if there are bedrock fractures? Has EPA seen, is EPA aware of any data from core borings on the mine site regarding bedrock conditions or brines?
- Scale up regarding waste rock piles – has EPA taken a position on the scale up in light of the order of magnitude difference between Dunka experience and PolyMet's lab data?
- Has EPA requested use of field data re subaqueous disposal --AMAX, Inco or even the LTV tailings basin?
- Will EPA weigh in on which waters downstream of the PolyMet project are "wild rice waters"?
- What are issues of greatest concern to EPA at this point regarding wetlands and water?

Modeling:

- What are EPA's primary concerns with PolyMet's proposed modeling?
- What is EPA doing to reduce the likelihood that the SDEIS will "predict" compliance through assumptions and mathematic strategies that conceal or minimize impacts?

Tailings Basin

- It appears that PolyMet is attempting to get new permits for the tailings basin before environmental review is done.
- Does the EPA plan to require application of NPDES surface water quality standards to tailings basin releases to groundwater connected to surface water?
- Does the EPA plan to require PolyMet to monitor, analyze and limit aluminum, iron and manganese contaminants to groundwater? Model this contamination in the SDEIS?

Hazardous Waste

- Is the Hydrometallurgical Residue Facility (HRF) being treated as a hazardous waste disposal site in terms of RCRA requirements?
- If not, why not?

Financial Assurance:

- Will the Supplemental DEIS include analysis of financial assurance?
- Does the EPA have any role in advising State agencies on the entities that need to be on either permits to mine or NPDES permits to ensure that there is a responsible party?